



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

**MEMORANDUM**

Re: NPDES Industrial Stormwater Permit Violations Documented During  
EPA's July 10, 2014 Inspection

To: Brook McCarrick, Attorney, Missouri Attorney General

From: Kristen Nazar, Attorney, EPA Region 7

Date: October 10, 2014

1. **Unauthorized discharges:** This facility is not permitted to discharge except under certain rainfall conditions as detailed in the permit. However, the facility is designed to discharge and appears to discharge accumulated stormwater (and other pollutants) on a regular basis. The facility currently has a retention basin that is lined with gravel (they say it has a clay liner). This allows infiltration of stormwater into the ground and given the proximity of the tributary and river, ultimately into those water bodies. The retention basin should be designed to prevent discharge.
2. **Discharge without a permit on the eastern portions of the site:** According to the inspector's observations, aerial imagery, and admissions in the July 2014 SWPPP, the facility discharges stormwater from the portions of the site east of the Eleven Point River. The permit application submitted to MDNR in 2012 did not include this portion of the facility on the map delineating the area for which coverage was sought and furthermore the application did not describe the industrial activities that occur on this portion of the site. The inspector describes two distinct areas east of the river in his report. The first is the storage area which covers 5.46 acres. The area is utilized to park tanker vehicles. Surface runoff from the south section of this area would flow south toward the Eleven Point River. Surface runoff from the north portion of this site would flow east toward unnamed tributary #2. The second unpermitted section of the site is referred to as the office and maintenance area. It covers 4.96 acres and houses the administration offices, repair shop, tire storage, empty trailer storage, maintenance facility, and two above ground diesel storage tanks with the capacity to store 6,000 gallons and 17,500 gallons.
3. **Failure to identify all outfalls:** At the time of the inspection, 5 unpermitted outfalls were identified by the inspector. In his report he refers to them as Outlet Point #1 which discharges from the northeast corner of the basin directly to the Eleven Point River. The inspector also identified what he called Outlet Pipes #2, #3, #4, and #5 which discharge

directly from the retention basin into tributary #1 located on the south side of the bulk plant. In addition, on the north side of the bulk plant the inspector identified what he labeled Outlet Pipe #1. This pipe has a manual valve and discharges directly into the Eleven Point River. None of these outfalls is identified in the NPDES permit. These outfalls were not identified in the permit application (nor was either trib) and are not identified in the permit or its associated fact sheet. The permitted outfalls 001 and 002 were also not marked in the field at the time of the inspection.

4. **Failure to monitor (while discharging):** The facility is only allowed to discharge during specified precipitation events. When such discharges occur, the facility is to monitor once per day for TSS, pH, O&G, and SS. All reports from the facility state it has not discharged and thus no sampling has been conducted.
5. **Failure to submit complete and thorough annual reports:** The annual reports for 2012 and 2013 state there was no discharge during the year. All the facility did is track rainfall. States there were no discharges and no land application. The facility did not record any of these activities.
6. **Failure to develop and implement a SWPPP:** The facility had not developed and implemented a SWPPP at the time of the inspection in July 2014. The inspector was handed an inadequate SWPPP dated June 2014 as he left the facility.
7. **Failure to develop an Operations and Maintenance (O & M) manual:** In accordance with the permit requirements this should have been developed and implemented since March 2012. The facility never completed it.
8. **Failure to visually inspect the tank system monthly:** Failure to inspect and keep logs of the inspections from March 2012 through June 2014 (28 months)
9. **Failure to report any unauthorized discharge from the basin (lagoon) or irrigation system to MDNR as soon as possible but not later than 24 hours:** The facility has never reported an unauthorized discharge from its facility, either from the outfalls identified in the permit or from any other pipe/outlet on the facility grounds. The facility did not report the July 2014 discharge observed by the EPA inspector to MDNR.